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ABSTRACT

Each institution of higher education determines its own conditions and responsibilities of professional employment based on principles of equity and due process. A faculty manual should present clearly and concisely an institution's policies and procedures related to professional employment, and all arrangements between individuals and institutions should be stated and accepted in writing. This document presents some guidelines for the development of policy statements with regard to faculty recruitment, appointment, tenure, academic freedom, salaries and promotions, academic loads, the development of teaching competence, outside employment, leaves of absence, collective bargaining, retirement, and pensions. (Author/HS)

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CONDITIONS AND RESPONSIBILITIES OF PROFESSIONAL EMPLOYMENT IN HIGHER EDUCATION

Each institution determines its own conditions and responsibilities of professional employment, based on principles of equity and due process. A faculty manual should present clearly and concisely an institution's policies and procedures related to professional employment, and all arrangements between individuals and institutions should be stated and accepted in writing.

Recruitment

Effective recruitment of faculty and staff is one of the most important factors determining the character and quality of an educational institution. Since the president is responsible to the trustees for guiding the institution's development, he must approve appointments of new personnel. However, others can play a major role in finding, screening, and recommending applicants, for better candidates are likely to be found and interested by joint efforts. Moreover the strength of an educational institution depends on more than the ability of individuals: it is the product of mutual respect and harmonious cooperation among able people, conditions which are promoted by their participation in selecting their colleagues.

The role of trustees in staff employment is to discuss with the president the quality, type, and number of appointees needed; to insist that he make no avoidable compromise as to qualifications and allow no extraneous consideration to affect his judgment and that of others on the campus; and to give him early decisions on the instructional budget so that he can make advance commitments. Their concern should be to keep his aims high and to resolve the financial or other problems which limit his choices, while leaving the selection of individuals to the professional judgment of the president and his colleagues.

Faculty members, department and/or division heads, and deans should be called upon to help canvass the sources of supply, interview applicants, and make recommendations to assist the president, for they are likely to be in closer touch with qualified candidates in particular fields. Students may also be involved in the process. Selection should follow examination of academic records, confidential inquiries regarding the applicant's professional qualifications, and a series of planned interviews on campus to which the candidate is invited at the institution's expense. Care should be exercised to avoid excessive inbreeding and parochialism in offering academic appointments.

When a formal offer is contemplated to or is received by a person employed elsewhere, the right of the other institution to reasonable notice and to the fulfillment of an existing contract must be respected. It is unethical to break an existing agreement in order to take a new position. An institution which already employs an individual may choose to release him, but it is grossly unprofessional for him to insist upon release or to fulfill his contractual obligation as if under duress. It is equally unethical for an institution to employ one who breaks a contract, or to entice a faculty member or administrator from another institution at a time which seriously dislocates its work.

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Candor between institutions is essential when one approaches a staff member of another. The individual should expect present superiors and colleagues to receive inquiries about him. A request not to get in touch with them creates a questionable situation which at the least needs to be fully explained. An institution should normally be told immediately when an offer is made to an individual on its staff.

A faculty member or administrator who wishes to resign from one institution to take a position at another should give notice of his intention and request release about six months before its effective date. The institution which seeks his services should make a firm offer early enough to permit him to give at least six months notice, unless his present superiors freely agree to a shorter period.

Appointment

Contracts or letters of appointment and documents which accompany them should specify the appointee's title, salary, general nature of the work assignment, to whom the individual is immediately responsible, the portion of each calendar year and number of years covered, and any limitations or special provisions. Conditions should be clearly stipulated under which the contract may be abrogated by either party alone or by mutual consent, the means for doing so, and the date by which renewal will be offered and accepted if institution and individual wish to continue their relationship. Reference should also be made with respect to emphasis on and evaluation of teaching and/or research.

Continuity is exceedingly desirable in academic employment, but it must be a continuity of competence and vigor. Employment terms therefore include a probationary period during which institution and individual become acquainted under working conditions and the institution's officers determine whether the individual is apt to increase in effectiveness and retain his enthusiasm if he receives a continuing appointment. An institution should establish a probationary period of sufficient length to permit careful assessment of professional competence and should not exceed it except under unusual and clearly understood circumstances. It may shorten the period for individuals whenever such a decision seems appropriate. Typical initial appointments might be for one or two years followed by extended renewals or tenure, with the provision that at least a year before the appointee completes the maximum probationary interval he will be fully apprised of his status.

An institution's policies in these respects need to be precisely stated and scrupulously executed. There must be written notice of intention at each step. The purpose is to inform and protect individuals during trial appointments, while guarding the institution against premature assumptions and against drifting into permanent relationships unintentionally.

Tenure

Tenure is a long term appointment in which a faculty member's employment will henceforth be continuous as long as he performs the work for which he is currently engaged and remains an acceptable member of the academic community.

Tenure benefits the individual directly in that it protects against arbitrary dismissal without obligating him to remain in a particular institution. Tenure rules and practices ought not protect a faculty member whose work or scholarship deteriorates. They should guarantee a fair hearing and equitable adjudication, but the institution must retain the right after due process to dismiss without obloquy

one who has failed to live up to his professional obligation. Specifically, employment under tenure should be terminable after due process for: failure to perform services for which a person was engaged in accordance with recognized professional standards; failure to grow professionally; failure to observe contractual obligations; moral turpitude; total disability as determined by the institution; discontinuance of the work for which one was employed; or because of demonstrable institutional financial exigency.

It is imperative to arrange procedures for adjudicating tenure breaches before they must be used. The mechanics should be as simple, direct, and confidential as proper safeguards for competent and unprejudiced determination allow. They customarily require that the causes of complaint be described in writing for the benefit of both parties; stipulation that an appropriate group to hear them shall be selected in a prescribed way if direct negotiation fails; assurance that the accused party shall have benefit of counsel of his own choosing and the right to confront and question his accusers; assignment of responsibility for action on the judgment; and reasonable severance provisions.

Stability and confidence are equally desirable in executive, administrative, and managerial appointments, but the nature of the trustees' responsibility requires that they be able to remove a president from office if necessary, and good administration must give him the same authority over administrative appointees. Individuals having dual appointments may have tenure in their faculty position but not in their administrative posts.

Academic Freedom

Academic freedom and job security are not synonymous and should not be contingent on each other. Regardless of whether faculty members hold probationary initial appointments or are on extended contract or permanent tenure, the same principles of academic freedom must apply to all. Academic freedom has to do with a method of inquiry rather than with the personal views of the inquirer. It gives one the right as a scholar, and implies the obligation, to examine all data and to question every assumption. It debars one from preconceived conclusions. It obliges a teacher to present all imformation fairly, because it asserts the student's right to know the facts.

Academic freedom does not require neutrality on the part of either an individual or an institution. It is consistent with earnest and declared efforts to advance a particular point of view, if it be insisted that complete access to the facts underlie the argument and that the argument be plainly distinguished from the inquiry. To restrict the availability or limit the presentation of data or opinion, even though they may be considered erroneous, is to deny academic freedom.

If these principles are accepted as positive guides for action, an institution of higher education may legitimately announce the point of view or religious position to which it is committed, and, if it chooses, engage only instructors who adhere to that position. They may even be employed on condition that they will resign if their views change, but meanwhile they must be permitted to know and teach their subjects, including the controversial aspects, completely and objectively.

Every institution owes the public a clear description of its educational philosophy, whatever it may be. It owes its faculty members a definition of what it means by academic freedom, and details of the mechanics by which either alleged violations of the institution's philosophy by instructors or charges of breach of academic freedom by either side will be dealt with. In academic freedom cases adjudication by a disinterested party is essential. The faculty, administration, and trustees should work out the procedures together.

Salaries and Promotions

Competitive salaries are of course a primary factor in staff recruitment and retention, but there are others which also help make positions attractive and strengthen morale. They include announced salary ranges (by academic ranks if a rank system is used), published criteria for promotion and salary increases, and insurance and other fringe benefits.

Salary plans ought to be explicit so that a staff member knows what to expect, but the stages should be so described that the administration is able to advance especially valuable people more rapidly than others. Specific criteria for advancement and merit salary increases should be developed by the administration and faculty together, for application by the administration with the advice of a faculty committee or other group.

Skill and enthusiasm in teaching will of course be primary requisites for advancement in any position involving instruction. The institution therefore needs carefully established procedures for discerning good teaching and reviewing periodically the performance of all faculty members.

Criteria for promotion should define what the institution requires in the assumption of responsibilities outside the classroom and the importance it attaches to scholarly or creative work. Institutions may properly differ in these respects, each taking a position in accordance with its own philosophy and objectives.

A staff member should be informed in advance precisely what his basic salary for all work related to the appointment is to be for a definite period and how and when it is to be paid. Offering a full-time instructor extra pay for additional work during the period covered by his regular salary, except to meet an emergency, makes suspect either the institution's definition of full-time work or its concern for the future competence of its faculty.

Academic Loads

Strict teaching load rules are unrealistic in application, and undesirable in principle in that they limit experimentation and the accommodation of individual differences. Even general policies vary because academic load formulas in conjunction with other administrative measures can be used to help an institution control the emphasis its faculty members place upon the several aspects of their work, and institutions differ as to where they want or can afford to place the emphasis.

Most faculty members assume advisory, committee, and other non-instructional responsibilities in addition to teaching. As scheduled teaching loads and non-instructional obligations pile up, time diminishes for two other essential activities: the teacher's continuous preparation, and his personal scholarly work. The function of an academic load policy is to protect these activities, which have direct and intimate relation to the quality of instruction and the institution's intellectual life, and to ensure the instructor time for reviewing and criticizing student work. A teaching load rule is not a device to guard the instructor from an undue burden, but a plan to use his professional services most productively for the institution. It should be part of a system of incentives, recognitions, and rewards to stimulate faculty productivity of the kind the institution wants and has implied in its objectives.

An initial question in establishing an academic load policy is whether part of a faculty's time is being dissipated in unnecessary diversification. Many institutions could consolidate and reduce their course offerings without real loss. Another step is to assess in a general way demands on an instructor's time and energy created by different types of teaching. The number of students in a class is a significant consideration when student writing for criticism is required, but might be immaterial in a lecture course. Hours spent in laboratory, studio, and shop work are usually weighted differently because they involve different kinds of preparation and concentration. If the institution provides no assistance for an instructor when extensive physical preparation of a laboratory is required his setup time might be included, although this is likely to be an expensive way to get non-professional work done.

Another element in the academic load is the efficiency of committee work. Is the faculty's time being used to best advantage in all its non-instructional activities? Is there a proper distinction between legislative and administrative work, with each properly assigned? Is every decision made by the fewest individuals competent to make it? Might the available salary money produce better results if more of it were spent for clerical help? Is the class schedule the best compromise between the interests of students and the welfare of the faculty?

An academic load rule is a guide, not a formula for equating work as disparate as college and university faculty members perform. It must be interpreted and applied by the administration with discretion rather than imposed mathematically.

Development of Teaching Competence

Each institution needs some kind of continuing program to develop the teaching capacities of new and inexperienced instructors. Such programs are often quite beneficial to more experienced teachers as well. Many institutions and faculty groups organize regular seminars, discussions, and teaching demonstrations for new faculty members to introduce them to the curriculum and help to develop their competence. Voluntary mentor-intern relationships between experienced and new faculty members are used on some campuses; TV and audio tapes for confidential or other review of personal teaching style and technique are used on others. Training and/or good orientation programs, coupled with an effective plan for teacher evaluation, provide the basis for a viable promotion and reward system and will help to insure that vital teaching exists on the campus.

Outside Employment

A full time position by definition means that one is engaged for the whole working day and week. No other gainful occupation during those hours would be expected, at least without the expressed consent of the major employer. The only restriction which this employer has a right to impose upon an individual's use of his own time after he performs a reasonable day's or week's work, is to debar activities which involve a conflict of interest or tend to lessen his value to his principal employer.

Defining a professional's work week is so difficult that institutions are apt to approach it in reverse by indicating the portion of time in which one is free to accept outside employment, subject to administrative approval. Additional teaching elsewhere is usually disapproved. The major criterion often employed is whether the proposed outside employment enhances the professional preparation or standing of the individual.

In some fields, as for example art, music, and medicine, a combination of teaching and professional work is sometimes permitted because the virtuoso performer is considered the best teacher, and constant practice is necessary for superior performance. Use of the principle has to be guarded, for it easily gets out of hand. Every faculty takes character from and must rely chiefly upon its full time staff, which should carry the preponderance of its teaching.

One institution sometimes permits another to engage part of the time of one of its faculty members, either to assist the second institution in an emergency or because neither one requires his full services. Cooperative arrangements of this kind can be quite advantageous if the terms are clearly understood and the total load is reasonable.

Leaves of Absence

A policy of granting occasional leaves for study, research, or professional activity is a powerful attraction for the kind of faculty members and administrators every institution wants, especially for younger people in their most alert and productive years. They ought to be thought of as productive investments in professional development. This may also be a deciding factor in holding valuable teaching and research people who are tempted to go elsewhere. Leaves of absence will not make up for inadequate salaries, but they may be an effective supplement to a necessarily modest salary scale.

The system of leaves of absence should extend to administrators, including presidents, as well as to teachers.

Obviously leaves must be supported financially by the institution or by outside sources, for few academic people and virtually none with growing families can finance periods of full time study and creativity independently. A constructive leave policy should base grants upon definite projects which have been developed by the individual concerned and approved by colleagues who are competent in the field of study; should require a formal report upon completion; and should be preceded by an agreement to return to the sponsoring institution for at least a minimum period after the leave.

An institution should have equitable rules for sick leaves and emergencies, clearly stating and defining its obligation but flexible enough to take personal considerations into account.

Collective Bargaining

Faculty members organized in a collective bargaining unit have an obligation to ensure that negotiations with an institution's officers, Board of Trustees, and/or other designated officials are conducted in such manner as to sustain the functioning of a campus as an ongoing educational operation fulfilling its objectives and safeguarding the basic rights of teachers to teach and students to learn. They must be sensitive to the needs of the academic community. Likewise, an institution faced with lawful organization of employees on its campus should strive to derive the maximum benefits attainable from interaction with the bargaining unit.

On campuses where all employees are not organized, the institution should treat unorganized groups in an equitable fashion just as it seeks to satisfy legitimate, reasonable and appropriate requests by organized groups. The climate of reason and order which should prevail on any campus will dictate that institution-bargaining unit relationships be cooperative and forward-looking rather than adversary and disruptive.

Retirement

Retirement plans recognize that academic life is strenuous and that most people's energies decline in later life. They provide for relieving staff members in orderly fashion at appropriate times, shifting the decision from individual determination to equitable principles and providing some flexibility of operation.

Almost universally, academic retirement plans allow either the individual or the institution to modify or terminate a staff member's employment at a specific age, often 65, permit earlier retirement at 55 or 60, and permit the institution at its discretion to re-employ retired personnel on a year to year basis, usually in a new status. Some institutions add a rule that department heads, where rotating chairmanships are not employed, shall relinquish their administrative positions at an age earlier than mandatory retirement in order to encourage development of new leadership.

The retirement rules should apply to the entire staff, including the president. Almost never should a retired president remain on the staff in any capacity, on the board of trustees, or in the vicinity of his institution. A retirement age for active service as a trustee is also desirable.

Emeritus status is an honorary position involving social and ceremonial participation in the institution's affairs, to which faculty and staff members may be elected or appointed upon retirement from long and honorable service. Emeritus or honorary status usually provide the right to attend meetings without voting privileges.

Pensions

Any reasonable academic employment policy assumes some degree of financial responsibility for retired staff members. A funded pension program has the advantage of placing the matter on a dignified and self-respecting level for the individual, of releasing him from the necessity for desperate saving when he should be spending part of his income for cultural and professional advancement, and of relieving the institution from heavy fluctuating pension payments from current funds.

In many instances pension accounts and funds are administered by public or endowed nonprofit agencies whose own income reduces the overhead charges they must pass on to their subscribers. Some of these nonprofit agencies have the additional advantage of being so widely used that benefits earned in one institution are usually readily transferable to another when a staff member takes a new position. Social Security is customarily added.

NOTE: This is one of a series of documents published by the Commission on Higher Education. While each document may be used separately, each should also be viewed in relationship to the document entitled Characteristics of Excellence in Higher Education. A current list of publications is available from the Commission's office.

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